REMARKS/ARGUMENTS

1.) Withdrawal of Prior Rejection

In the prior Office Action dated October 10, 2007, the Examiner rejected claims 12-22 as being anticipated by Takano, *et al.* (US 7,103,376). The Applicants thank the Examiner for recognizing, in view of Applicants' arguments traversing that basis of rejection, that Takano fails to anticipate those claims.

2.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner has now rejected claims 12-22 as being unpatentable over Takano in view of Chen (US 2003/0161284). The Applicants traverse the rejections.

Claims 12 recites:

> 12. A method for handover in a communication system, wherein said communication system includes an access network having Radio Network Controllers (RNC), Radio Base Stations (RBS) consisting of main units (MU) which perform base band signal processing, and one or more radio remote units (RRUs) which convert between baseband and radio frequencies and transmits and receives signals over one or more antennas covering cells, and one or several User equipment (UE) moving closer and closer to another cell, which said network is made aware of and then it will initiate a handover process, during which the call will be transferred from one cell to another cell within said radio base station (RBS) or to a cell in another Radio base station (RBS) in said communication network, wherein said handover process interact with a memory containing a list (softer handover group) of said radio remote units (RRUs) capable of doing softer handover with each other using the same Rake receiver. (emphasis added)

As noted in the response to the prior Office Action, the Applicants' invention is directed to a method relating to "softer" handover using the same rake receiver. In contrast, the teachings of Takano are ***only*** directed to "soft" handover scenarios. As those skilled in the art are aware, a "softer" handover is a special case of "soft" handover wherein the radio links that are added and removed belong to the same Node B (*i.e.*, the site of co-located base stations from which several sector-cells are served). Takano does not address the problems associated with **softer** handover, much less solving those

problems using the **same** rake receiver. This distinction between the Applicants claimed invention and the teachings of Takano is further illustrated by noting that the method recited in Applicants' claim 13 performs a softer handover in response to a first condition and a soft handover in response to another condition. Therefore, because the teachings of Takano are only directed to ***soft*** handover and fail to address **softer** handover, it is an inappropriate reference to be used in rejecting claim 12.

In an attempt to overcome the deficiency in the teachings of Takano, the Examiner now asserts that claim 12 is *obvious* over Takano in view of the teachings of Chen. The Examiner acknowledges that Takano "fails to disclose [a handover process that interacts with a memory containing a] list [of radio remote units (RRUs)] capable of doing softer handover with each other using the same Rake receiver." To overcome this deficiency of Takano, the Examiner looks to the teachings of Chen, asserting that such feature of Applicants' claimed invention is disclosed in "FIGS. 2 and 3, and paragraph 48, lines 1-11" thereof. The Applicants have reviewed the referenced portion of Chen, as well as the complete disclosure thereof, and find no such teaching. Rather than providing any teaching with respect to "softer" handovers, Figures 2 and 3 actually relate to "Inter-Node B Soft Handover" and "Inter RNS Soft Handover," respectively, as identified in the legends of those figures and the description relating thereto in paragraph 48. Unlike Takano, which fails to even mention the technically-distinct process of "softer" handover, Chen does refer to there being technical differences between "soft" and "softer" handover processes, as those skilled in the art are aware. Chen, however, fails to overcome the problem solved by Applicants' invention, wherein a "softer" handover process interacts with "a memory containing a list (softer handover group) of . . . radio remote units (RRUs) capable of doing softer handover with each other using the same Rake receiver." Chen does not mention a "list" of anything, much a list stored in a memory with which a softer handover process interacts to determine radio remote units capable of doing softer handover with each other using the same Rake receiver. Therefore, the Examiner has not established a *prima facie* case of obviousness of claim 12. Furthermore, whereas claims 13-22 are dependent from claim

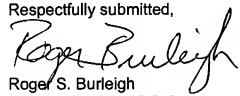
12, and include the limitations thereof, they are also not obvious over Takano in view of Chen.

CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 12-22.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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